



# ASBESTOS: THE RELENTLESS KILLER

Asbestos use has dropped dramatically since the 1970s. So why are thousands of asbestos victims still dying from mesothelioma every year?

A WHITE PAPER PRESENTED BY



Even though U.S. lawmakers still haven't completely banned asbestos, there is no denying that the use of this hazardous material has nevertheless dropped dramatically since its peak in the 1970s.

*Unfortunately, despite this drop, there hasn't been a corresponding decrease in the number of individuals diagnosed with mesothelioma, a deadly cancer typically linked to asbestos exposure. In fact, according to a report published earlier this year by the Centers for Disease Control and Prevention (CDC), more than 45,000 mesothelioma-related deaths were reported in the United States from 1999 to 2015 — with nearly 5 percent more mesothelioma deaths in 2015 than in 1999. <sup>1</sup>*



**So if we are supposedly using less asbestos today than in the past, why are thousands of asbestos victims continuing to die of mesothelioma every year?**

## One Explanation: Asbestos-Related Diseases Take Years To Develop

Asbestos is a dangerous — and often deadly — material, plain and simple. Asbestos exposure has been linked to the development of not only mesothelioma, but other severe medical conditions as well, including lung cancer and asbestosis, which is another serious lung disease.<sup>2</sup>

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*Since asbestos fibers can easily become airborne when they are disturbed, most victims develop medical conditions after inhaling these microscopic fibers, although the fibers can also be ingested and, in rare cases, absorbed through the skin. Once in the body, asbestos fibers can lodge themselves in airways, lung tissue or the mesothelium membrane — eventually resulting in mesothelioma or other medical conditions.*

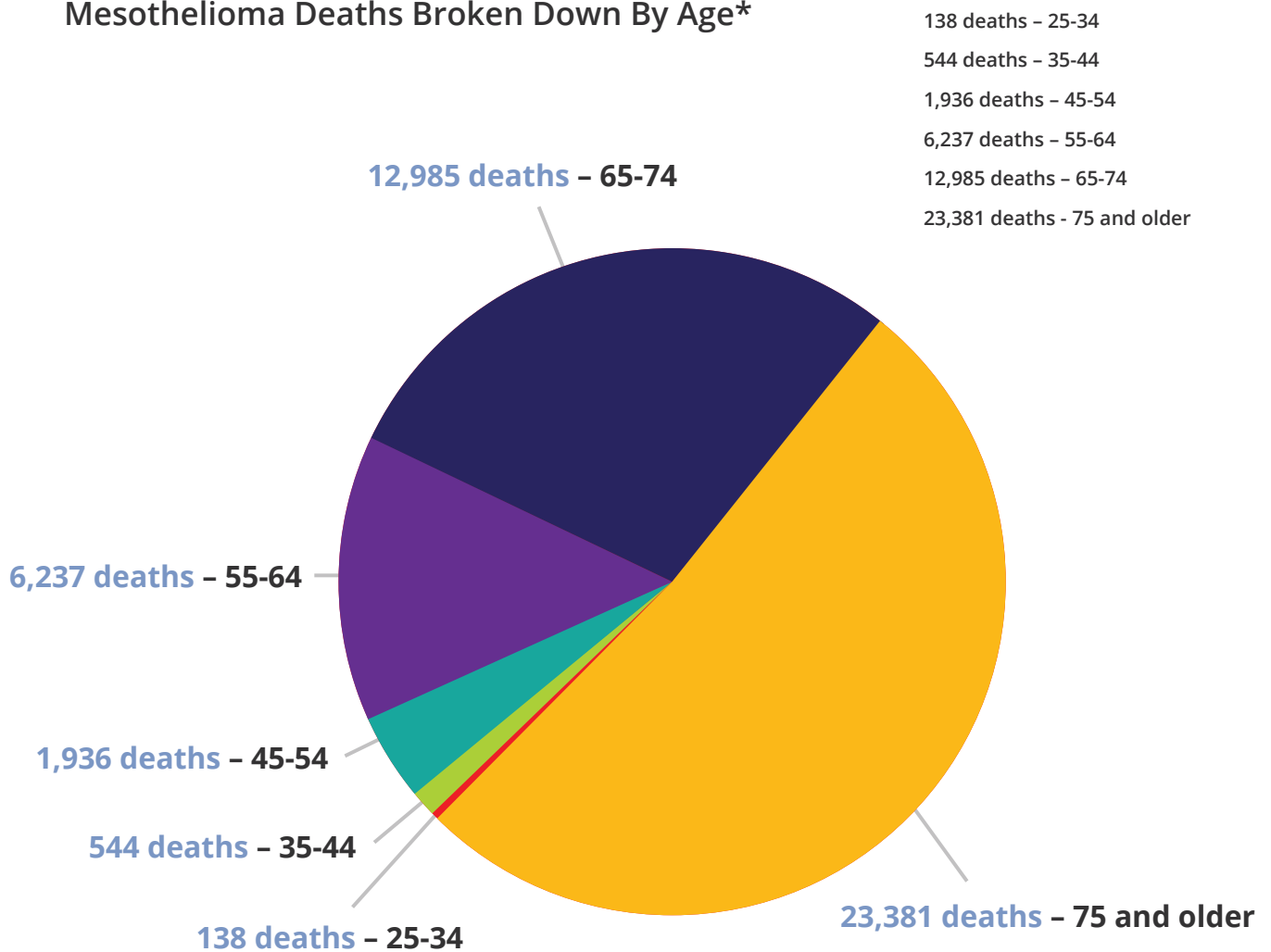
**One of the most frightening aspects of these asbestos-related medical conditions is that they can take years, even decades, to develop following asbestos exposure.**

This means that many of today's mesothelioma victims are older individuals who may have been exposed to asbestos many years ago and are now just beginning to suffer. In fact, the recent CDC report found that more than 80 percent of mesothelioma-related deaths from 1999 through 2015 involved victims over the age of 64.<sup>3</sup>

Given the delay between asbestos exposure and the development of mesothelioma symptoms, there will likely be thousands of new mesothelioma cases every year for years to come, despite the fact that asbestos use is less prevalent today.

## Which Age Groups Are Being Hit The Hardest By Mesothelioma?

Mesothelioma Deaths Broken Down By Age\*



\* Jacek M. Mazurek, Girija Syamlal, John M. Wood, Scott A. Hendricks & Ainsley Weston, *Malignant Mesothelioma Mortality – United States 1999-2015*, Table 1 (March 3, 2017)

## Are Certain Professions More At Risk?

Given its fireproofing, insulation and heat resistance capabilities, asbestos was once commonly used in a wide range of products, including adhesives, brakes, gaskets, cements and several building materials such as pipe insulation, ceiling tiles, floor tiles and roof shingles, just to name a few. As a result, many workers — particularly those working in the construction and shipbuilding industries — encountered significant amounts of asbestos on a daily basis.

What is incredibly alarming is that as many as 27 million workers in the U.S. experienced significant exposure to asbestos fibers between 1940 and 1979.<sup>4</sup>

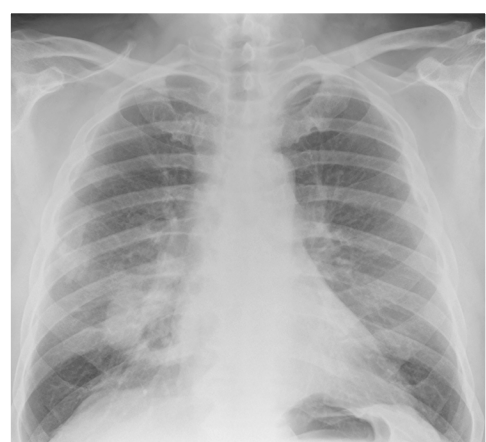
In addition to these workers, countless service men and women were at risk of asbestos exposure while in the military, especially if they served time aboard a Navy vessel. In fact, Navy ships built prior to the 1980s often contained asbestos in several places, including engine and boiler rooms, sleeping quarters and mess halls.<sup>5</sup>

**Even today, many vets who served decades ago are developing serious asbestos-related medical conditions, including mesothelioma.**

## Have You Ever Worked In One Of These Roles?

If So, You May Be At Risk Of Developing Mesothelioma\*

- Construction worker
- Pipefitter
- Auto mechanic
- Electrician
- Plumber
- Boilermaker
- Steamfitter
- U.S. Navy personnel
- Coast Guard personnel
- Merchant Marine personnel
- Shipbuilder
- Shipyard worker
- Longshoreman
- Welder



\* U.S. Department of Health and Human Services – Agency for Toxic Substances and Disease Registration, *ATSDR Case Studies in Environmental Medicine - Asbestos Toxicity*, 31-33 (January 2014)

## Asbestos Exposure Is Still A Significant Problem — Especially For Construction Workers

As already mentioned, there is no complete ban on asbestos in the United States — meaning it isn't going away anytime soon.

And even though asbestos is rarely used in new products, it can still be found in many locations throughout homes, particularly homes built before 1980. For instance, you can still often find asbestos in older attic and wall insulation, floor tiles, ceiling tiles, cement board and patching compounds used on walls and ceilings.<sup>6</sup>

While these asbestos-containing materials may not pose a significant danger so long as they remain undamaged, once they are disturbed, asbestos fibers can quickly become airborne — thereby putting everyone in the house at risk. So whether you are conducting demolition work, remodeling work or simply home maintenance, you are at risk any time you disturb asbestos fibers.

This also means that construction workers are still often exposed to asbestos during home renovation projects, which is why this particular trade is the most likely occupation to experience heavy asbestos exposure.<sup>7</sup>

The problem is so severe that the Occupational Safety and Health Administration (OSHA) has estimated that 1.3 million construction and general industry workers continue to be exposed to asbestos.<sup>8</sup> In addition, the continuing occurrence of mesothelioma deaths among those younger than 55 supports the idea that people are still being exposed to asbestos at work, despite OSHA and Environmental Protection Agency (EPA) regulations designed to stop this.<sup>9</sup>



## Common Places You Can Find Asbestos In The Home\*

A small sampling of where you may still be able to find this dangerous material

- Ceiling tiles
- Floor tiles
- Roof shingles
- Walls and floors around wood-burning stoves
- Insulation around hot water and steam pipes
- Siding/cement shingles
- Caulking and joint compounds
- Wall and ceiling patching compounds

\* U.S. Department of Health and Human Services – Agency for Toxic Substances and Disease Registration, *ATSDR Case Studies in Environmental Medicine - Asbestos Toxicity*, 24 (January 2014)



## Women Are Also At Risk

While most mesothelioma deaths involve older men, data made available by the CDC make it clear that women now make up a large portion of mesothelioma victims. In fact, from 1999 through 2015, women accounted for more than 20 percent of all mesothelioma-related deaths.<sup>10</sup>

Some find this statistic surprising, especially since most industries in which

asbestos exposure is common have traditionally been male-dominated, including construction and shipbuilding.

So why are there so many mesothelioma deaths among women? The most obvious answer: ***secondary asbestos exposure.***

Secondary exposure occurs when workers in certain industries — including construction, shipbuilding and other occupations in which asbestos exposure is likely — inadvertently bring asbestos fibers home from work in their clothes and hair. As a result, family members of these workers are unknowingly exposed to dangerous amounts of asbestos — meaning many of the wives, daughters and sons of these workers eventually develop mesothelioma and other asbestos-related medical conditions.

In addition, while secondary exposure is the most obvious explanation for why more women have died from mesothelioma in recent years, another possible reason is that women are now beginning to work in many industries that have been traditionally dominated by men. For instance, more women now work in construction, auto repair and manufacturing, which means they are more likely to come into contact with asbestos while at work and therefore more likely to develop mesothelioma and other asbestos-related medical conditions.

## What Legal Options Are Available?

Regardless of your age, gender or the source of your asbestos exposure, it is important to remember that you have legal options if you ever develop mesothelioma or another asbestos-related medical condition following asbestos exposure. This is true even if you are a family member of an asbestos victim who has already passed away.

Depending on your circumstances, your legal options may include one or more of the following:

1

**A Lawsuit Against The Party Responsible For The Asbestos Exposure:** Whether you are a victim of asbestos exposure or a family member of a deceased asbestos/mesothelioma victim, you may be able to file a lawsuit directly against the party responsible for the underlying asbestos exposure, which, in many cases, is the company that manufactured the asbestos-containing product. While many of these lawsuits result in settlements, some require trials and additional litigation.

2

**A Claim Against An Asbestos Bankruptcy Trust:** Realizing that there were countless asbestos/mesothelioma lawsuits waiting to be filed by future asbestos victims, many companies that made asbestos-containing products sought to limit their losses by filing for bankruptcy. As a result, these companies were required to set up dozens of trusts — many of which contain **billions of dollars** — to provide compensation to asbestos victims, including future victims.

3

**A Claim For Veterans Benefits:** If your asbestos exposure occurred while you were in the military and you subsequently developed mesothelioma or asbestos-related lung cancer, you may qualify for veterans disability compensation benefits. As with lawsuits, however, filing a claim with the Department of Veterans Affairs can be complex, which is why it is always best to have experienced legal guidance by your side.

## Time May Be Running Out — So You Need To Act Fast

Under the law, you have a limited amount of time to seek compensation for your injury or illness. If you fail to file your claim before the deadline — otherwise known as the statute of limitations — you may be forever barred from seeking compensation.



While the legal process can certainly be daunting, the right legal guidance can assist you in overcoming the challenges you encounter and help you obtain the compensation and justice you and your family members deserve.



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## SOURCES

<sup>1</sup> Jacek M. Mazurek, Girija Syamlal, John M. Wood, Scott A. Hendricks & Ainsley Weston, *Malignant Mesothelioma Mortality – United States 1999-2015*, <https://www.cdc.gov/mmwr/volumes/66/wr/mm6608a3.htm> (March 3, 2017)

<sup>2</sup> Environmental Protection Agency (EPA), Learn About Asbestos, “*Health Effects From Exposure to Asbestos*,” <https://www.epa.gov/asbestos/learn-about-asbestos#effects> (last accessed Oct. 5, 2017)

<sup>3</sup> *Supra* n. 1, Table 1, at [https://www.cdc.gov/mmwr/volumes/66/wr/mm6608a3.htm#T1\\_down](https://www.cdc.gov/mmwr/volumes/66/wr/mm6608a3.htm#T1_down)

<sup>4</sup> U.S. Department of Health and Human Services – Agency for Toxic Substances and Disease Registration, *ATSDR Case Studies in Environmental Medicine - Asbestos Toxicity*, 31, [https://www.atsdr.cdc.gov/cssem/asbestos\\_2014/docs/asbestos.pdf](https://www.atsdr.cdc.gov/cssem/asbestos_2014/docs/asbestos.pdf) (January 2014)

<sup>5</sup> War Related Illness and Injury Study Center, *Exposure To Asbestos: A Resource For Veterans, Service Members, And Their Families*, 1, <https://www.warrelatedillness.va.gov/education/factsheets/asbestos-exposure.pdf> (Updated August 2013)

<sup>6</sup> Environmental Protection Agency (EPA), Learn About Asbestos, “*Where Can I Find Asbestos?*” <https://www.epa.gov/asbestos/learn-about-asbestos#find> (last accessed Oct. 5, 2017)

<sup>7</sup> *Supra* n. 4, at 38

<sup>8</sup> *Supra* n. 4, at 31

<sup>9</sup> *Supra* n. 1, at “Discussion”

<sup>10</sup> *Supra* n. 1, Table 1, at [https://www.cdc.gov/mmwr/volumes/66/wr/mm6608a3.htm#T1\\_down](https://www.cdc.gov/mmwr/volumes/66/wr/mm6608a3.htm#T1_down)